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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/707,895 | 01/21/2004 | Boris Y. Tsirlin | 3042 | 1894 |
| 31424 | 7590 | 05/16/2006 | EXAMINER | |
| BABCOCK IP LLC 24154 LAKESIDE DRIVE LAKE ZURICH, IL 60047 | | | LE, UYEN CHAU N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2876 | |

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---|--|
| Office Action Summary | Application No. 10/707,895 | Applicant(s) TSIRLINE, BORIS Y. ET AL. | |
| | Examiner Uyen-Chau N. Le | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-16 and 27-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01/27/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 03/02/2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

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U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 10-16, 27-30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petteruti et al (US 6409401 B1) in view of Wuidart et al (US 7023391 B2).

Re claims 10-16, 27-30 and 35: Petteruti et al discloses a system comprising an antenna 23 and RFID encoder 22, which serves as a transceiver adapted to communicate with a single transponder 16a located in a predetermined transponder operating region; the system configured to establish at predetermined transceiver power levels a mutual coupling which is selective exclusively for the single transponder located in the transponder operation region; transporting a web of labels through the transponder operating region, at least some of which labels have an RFID transponder, and wherein the method includes printing on said labels via print head 18; incrementally advancing the transponder within the transponder operating region, if the transponder is located at a field strength gap of the transponder operating region (i.e., via gap sensor 29); positioning a transponder in a transponder operating region with a transponder axis oriented along a predetermined direction (i.e., printing direction), the smallest dimension of the transponder in the predetermined direction being significantly

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less than a dimension of the transponder operating region in the predetermined direction (figs. 1-2; col. 2, line 46 through col. 4, line 32).

Petteruti et al is silent with respect to a near field coupler having a plurality of electrically parallel lines coupled to an unmatched load.

Wuidart et al teaches an antenna 30, which serves as a near field coupler, having a plurality of electrically parallel inductances [L11-L14], which serves as transmission lines, coupled to an unmatched load (i.e., resistor R_1) (fig. 3B; col. 1, lines 5-27; col. 3, lines 8-48; col. 4, lines 35-46; col. 5, lines 6-16; and col. 7, lines 32-45).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ the parallel inductances of Wuidart et al into the system as taught by Petteruti et al in order to enhance the range and/or the signal level available at a given distance from the read/write transponder terminal. Furthermore, such modification would improve homogeneity of the magnetic field generated by the transponder read/write terminal.

5. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petteruti et al as modified by Wuidart et al as applied to claims 10, 12 and 27 above, and further in view of

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Meier (US 5,294,931). The teachings of Petteruti et al as modified by Wuidart et al have been discussed above.

Re claims 31-34: Petteruti et al/Wuidart et al has been discussed above but is silent with respect to confirming a valid communication, determining the power level operationally effective to communicate with the transponder respectively.

Meier teaches a single interrogation device interrogates a plurality of transponders arranged within the range of transmission of the interrogation device and identifies them without any mutual interference comprises determining the power level operationally effective to communicate with each transponder to confirm a valid communication (col. 2, line 30 through col. 3, line 10).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Meier into the system as taught by Petteruti et al/Wuidart et al in order to provide Petteruti et al/Wuidart et al with the ability of confirming a valid communication base on a determined power level, preventing interference and thus providing a more accurate system.

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Response to Arguments

6. Applicant's arguments filed 03/02/2006 have been fully considered but they are not persuasive.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., A near field coupler ... has no inductor coils or capacitor and is not an oscillating circuit as traditionally understood in the RFID arts) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner respectfully submits that "comprising" and "having" are open-ended, therefore a capacitor maybe added to the parallel transmission lines (i.e., inductances (L11-L14)) and load R1.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
Primary Examiner
Art Unit 2876

May 15, 2006